

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: David Ralph et al.,

Title: Diagnosis of Disease State Using MRNA Profiles
in Peripheral Leukocytes

Patent No.: 7,332,270

Issued: February 19, 2008

Serial No. 09/660,568

Filing Date: September 11, 2000

United States Patent and Trademark Office
P.O. Box 979070
St. Louis, MO 63197-9000

Notification Of Loss Of Entitlement To Small Entity Status
Under 37 CFR 1.27(g)(2)

Sir:

This paper is being filed pursuant to 37 CFR 1.27(g)(2).

37 CFR 1.27(g)(2) states:

(g) (2) Notification of loss of entitlement to small entity status is required when issue and maintenance fees are due. Notification of a loss of entitlement to small entity status must be filed in the application or patent prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity as defined in paragraph (a) of this section is no longer appropriate. The notification that small entity status is no longer appropriate must be signed by a party identified in § 1.33(b). Payment of a fee in other than the small entity amount is not sufficient notification that small entity status is no longer appropriate.

In accordance with the above-identified rules, Applicant presents the following relevant facts.

Facts:

When this application was filed on September 11, 2000, the inventors were under an obligation to assign all of their rights in the application to UROCOR, Inc. ("UROCOR") and an assignment was subsequently recorded with the United States Patent and Trademark Office (USPTO). Entitlement to small entity status was asserted, and the application was accorded small entity status by the USPTO.

After the payment of the issue fee but prior to the payment of the first maintenance fee, UROCOR merged with DIANON Systems, Inc. ("DIANON") on November 9, 2001. DIANON was acquired on November 10, 2002 by Laboratory Corporation of America Holdings which is a large entity. In accordance with 37 CFR 1.27(g)(2), notification of loss of small entity status must be given to the USPTO when paying the maintenance fee. Applicant is notifying the USPTO of the loss of entitlement to small entity status in the application. Accordingly, the maintenance fee will be paid as a large entity.

Applicant believes that an additional fee is necessary in the amount of \$490, the Commissioner is hereby authorized to charge any fees required by this action or any future action to Deposit Account No. 11-0855.

Should there be any questions relating to the instant application, the Patent Office is invited to telephone the undersigned at (336) 607-7315 to discuss any issues.

Respectfully submitted,

Date: 10/21/2010



Charles W. Calkins (Reg. No. 31,814)

KILPATRICK STOCKTON LLP
1001 West Fourth Street
Winston-Salem, North Carolina 27101-2400
Phone: (336) 607-7300
Facsimile: (336) 607-7500